

United States Courts  
Southern District of Texas  
FILED

SEP 19 2018

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

**MALIBU, LLC**  
Plaintiff,

vs.

**Gary Montry**  
Defendant.

) **Case No. 4:18-cv-01043**

) **ANSWER OF DEFENDANT**  
) **GARY MONTRY**  
) **TO AMENDED COMPLAINT**

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The Defendant, myself, Gary Montry, without counsel, and as my answer to the amended complaint filed in this case, and as to allegations about and against me states as follows:

**FIRST DEFENSE**

I, the Defendant, deny any infringement of copyrights alleged by the Plaintiff. I have never illegally downloaded copyrighted material using "BitTorrent" or any other file distribution network.

- 1) I, the Defendant, deny the Plaintiffs' allegation in the introduction, paragraph 2, that I am "a persistent online infringer of Plaintiffs' copyrights.
- 2) I, the Defendant, deny the Plaintiffs' allegation in the Factual Background, paragraph 23, that I "downloaded, copied, and distributed a complete copy of Plaintiffs' works without authorization".
- 3) I, the Defendant, deny the Plaintiffs' allegation in the Factual Background, paragraph 25 that "the evidence establishes the Defendant is a habitual and persistent BitTorrent user and copyright infringer.
- 4) I, the Defendant, deny the Plaintiffs' allegation in Count I, paragraph 30, that I used BitTorrent and "copied and distributed the constituent elements of each of the original works covered by the Copyrights-in-Suit".
- 5) I, the Defendant, deny the Plaintiffs' allegation in Count I, paragraph 32, that I violated Plaintiffs' exclusive rights as set forth in paragraph 32, parts A, B, C, and D.
- 6) I, the Defendant, deny the Plaintiffs' allegation in Count I, paragraph 33 that I committed infringements, willfully or otherwise, within the meaning of 17 U.S.C § 504-(a) and (c).

WHEREFORE, the answering Defendant, requests that this Amended Complaint, as to myself, be dismissed and held for naught, at Plaintiffs' cost, and any and all other relief to which the Defendant may be entitled.

Respectfully submitted,

By:   
Gary Montry

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